

**REMARKS**

Claims 7, 9-11, 16, 18 and 19 are now active in this application.

**REJECTION OF CLAIMS UNDER 35 U.S.C. § 102 AND § 103**

I. Claims 7 and 9-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lo et al. (USPN 5,850,515) in view of Chou (USPN 5,850,526), for the reasons of record.

II. Claims 16, 18 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lot et al. (USPN 5,850,515) in view of Chou (USPN 5,850,526), and further in view of Lo et al. (USPN 5,940,392), for the reasons of record.

III. The rejections are respectfully traversed.

As noted in the Response dated October 3, 2003, the present invention looks at the *destination address* of the packet. If the destination address does not correspond to the port to be repeated, the packet is corrupted so that the receiver cannot eavesdrop. In contrast, Lo et al. (USPN 5,850,515) deals with the situation where, when a packet is placed onto the LAN and is *received* by a port of the repeater, *the repeater will reject the packet* and not repeat it *if the source address of the packet does not match* what the repeater expects from the port. Thus, Lo et al. (USPN 5,850,515) denies access onto the network by rejecting a received packet if the source address of the packet does not match what the repeater expects from the port while the present invention prevents eavesdropping by outputting corrupting data on repeater ports where the destination address does not correspond to the port to be repeated.

Independent claim 7 requires, *inter alia*:

identifying one of a plurality of repeater ports serving a destination network node ***based on a destination address in the data packet***;

***transmitting the data packet on the one repeater port serving the destination network node*** by concurrently asserting a transmit enable signal on a corresponding media independent interface;

***corrupting transmission of the data packet on other repeater ports*** by concurrently asserting a transmit error signal and deasserting the transmit enable signal on the media independent interfaces corresponding to the other repeater ports

Clearly, Lo et al. (USPN 5,850,515) does not disclose ***corrupting transmission of the data packet on other repeater ports*** that are other than ***the one repeater port serving the destination network node***, as required by claim 7. Lo et al. (USPN 5,940,392) describes a circuit that can be used to implement the source and destination address comparison required to implement Lo et al. (USPN 5,850,515), as well as the present invention.

Thus, Lo et al. (USPN 5,850,515) discloses corrupting the retransmission of the data packet from any other repeater ports when the source address of the data packet does not match any one of the end station address stored in the memory comparator 102. In this regard, the phrase “end station address” refers to the address of each station connected to each node.

Furthermore, neither Lo et al. (USPN 5,940,392) nor Chou (USPN 5,850,526) discloses or suggests “selectively ***transmitting a prescribed data pattern as corrupted transmit data from the physical layer transmitter...***”, as also recited in independent claim 7 of the present invention, or “the physical layer transceiver ***outputting a prescribed data pattern as a corrupted data packet***”, as also recited in independent claim 18. This subject matter is described in the present application in connection with the output circuit 52 of Figs. 3 and 5. No such similar circuit is disclosed in Lo et al. (USPN 5,940,392) nor Chou (USPN 5,850,526).

The fact that Lo et al. (USPN 5,850,515) discloses that all enabled ports corrupt the retransmission of the data packet does not evince that such corruption is carried out by *transmitting/outputting a prescribed data pattern as a corrupted data packet*. In this regard, Lo et al. (USPN 5,940,392) discloses “modifying” the packet to provide a corrupted packet (see column 9, lines 1-2). However, there is no specific disclosure in Lo et al. (USPN 5,940,392) how such modification of the packet is accomplished. Surely, it must be appreciated that modification of the data packet could be accomplished by, for example, inverting one, selected ones, or all of the bits of the data packet, which is certainly different from *transmitting/outputting a prescribed data pattern as a corrupted data packet*, as recited in independent claims 7 and 16.

In this regard, *transmitting/outputting a prescribed data pattern as corrupted transmit data/data packet* is what is disclosed in the present application, not Lo et al. (USPN 5,850,515), Chou (USPN 5,850,526) or Lo et al. (USPN 5,940,392). However, Applicant's disclosure may not properly be relied upon to support the ultimate legal conclusion of obviousness under 35 U.S.C. §103. *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 227 1 USPQ2d 1593 (Fed. Cir. 1987). It is, therefore, respectfully submitted that the Examiner has not established the requisite motivation for the proposed combination of references to arrive at the claimed invention.

Applicant notes that the Examiner has never responded to this argument regarding the failure of Lo et al. (USPN 5,850,515), Chou (USPN 5,850,526) and Lo et al. (USPN 5,940,392) to disclose or suggest *transmitting/outputting a prescribed data pattern as corrupted transmit data/data packet*. Consequently, as features recited in independent claims 7 and 16 are not disclosed or suggested in Lo et al. (USPN 5,850,515), Chou (USPN 5,850,526) and Lo et al. (USPN 5,940,392), considered alone or in combination, independent claims 7 and 16, as well as

09/170,221

dependent claims 9-11, 18 and 19, are patentable over these references, and their allowance is respectfully solicited.

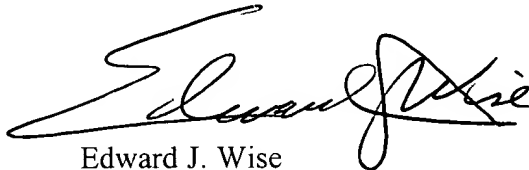
**CONCLUSION**

Accordingly, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

A handwritten signature in black ink, appearing to read "Edward J. Wise", written over a horizontal line.

Edward J. Wise  
Registration No. 34,523

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
(202) 756-8000 EJW/dmd  
Facsimile: (202) 756-8087  
**Date: January 20, 2004**